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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,966	03/24/2004	Gary A. Sigel	0019B	4098

112 7590 06/29/2006

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EXAMINER

FERGUSON, LAWRENCE D

ART UNIT PAPER NUMBER

1774

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/807,966	Applicant(s) SIGEL ET AL.	
	Examiner Lawrence D. Ferguson	Art Unit 1774	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/7/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,5,7-9,11-13,15,17-22,55 and 57-67 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7-9,11-13,15,17,19,20,22,55,57 and 62-67 is/are rejected.
- 7) ☒ Claim(s) 18, 21 and 58-61 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is in response to the amendment mailed April 7, 2006.

Claims 1, 4-5, 7-9, 11, 21, 55 and 58-65 were amended and claims 2, 3, 6, 10, 14, 16, 23-54 and 56 were cancelled rendering claims 1, 4-5, 7-9, 11-13, 15, 17-22, 55 and 57-67 pending in this case.

Claim Rejections – 35 USC § 103(a)

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4-5, 7-9, 11-13, 15, 17, 19-20, 22, 55, 57, 62-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidle et al. (U.S. 4,273,819) in view of deVries (U.S. 3,865,899).

Schmidle discloses a surface covering having surface portions with differential gloss effects, which are in registry with a pattern of printing ink compositions (column 1, lines 6-20 and column 18, lines 33-50) which comprises an ink composition having a predetermined pattern or design over a substrate, where the pattern or design comprises an inhibitor and a polymerization component and a polymerizable and cross-

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linkable wear layer is applied over the ink composition (column 1, line 66 through column 2, line 25). Schmidle further discloses the composition is relatively flat (comprises flattening agent) (column 3, lines 24-36 and column 9, lines 41-45) and accelerators and inhibitors (column 4, lines 20-25). The wear layer comprises various constituents and controlling agents which vary in ranges (column 6, lines 20-30) where the wear layer comprises thermoset polymeric materials derived from polymerization of materials, which further has high gloss and low gloss surface portions in perfect registry (column 18, lines 45-68). Schmidle discloses a thermal initiator being activated in one portion and not in another (column 19, line 38 through column 20, line 9) rendering them having different concentrations. Schmidle does not explicitly disclose a flattening agent of finely divided particles.

deVries teaches a top coat comprising flattening agents such as finely divided particles of silica (column 1, lines 26-36). It would have been obvious to one of ordinary skill in the art to have incorporated the flattening agent of finely divided particles, as taught in deVries, in the top coat of Schmidle to reduce the gloss and improve the protection of the coating material.

Response to Arguments

4. The restriction requirement is withdrawn due to Applicant canceling the restricted claims. Additionally, the objected claims 39 and 41 are withdrawn due to Applicant canceling claims 39 and 41.

Rejection made under 35 U.S.C. 112, first paragraph, is withdrawn due to Applicant amending the claims. Applicant's arguments over rejection made under 35 USC 102(b) as being anticipated by Schmidle et al (U.S. 4,273,819) are moot based on grounds of new rejection.

5. Claims 18, 21 and 58-61 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The closest prior art does not teach or suggest the recited surface covering further including a first or second region comprising photoinitiators. The prior art does not teach motivation or suggestion for modification to make the invention as instantly claimed.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Ferguson whose telephone number is 571-272-1522. The examiner can normally be reached on Monday through Friday 9:00 AM – 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye, can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


L. Ferguson
Patent Examiner
AU 1774


RENA DYE
SUPERVISORY PATENT EXAMINER
A.U. 1774 6/23/06